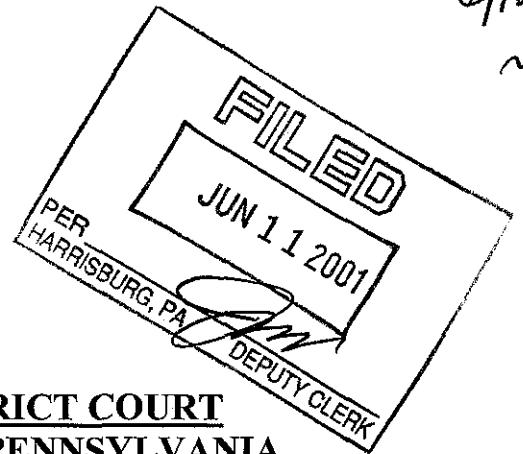


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**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

JEFFERY P. MOSER,

Plaintiff,

v.

KENNETH KYLER, et al.,

Defendants.

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Civil No. 1:00-CV-1846

Judge William W. Caldwell

JURY TRIAL DEMANDED

**CORRECTIONS DEFENDANTS' REPLY TO MOSER'S AFFIDAVIT
IN SUPPORT OF PLAINTIFF'S BRIEF IN OPPOSITION OF [SIC]
DEFENDANT(S) [SIC] MOTION TO DISMISS**


Moser contends on page two of his affidavit that he was not aware of DC-ADM 804-4, which, among other things, explicitly makes monetary damages available to him: "The Grievant may also include a request for compensation or other legal relief normally available from a court." (Corrections Defendants' Exhibit B, DC-ADM 804-4).

First, DC-ADM 804 and all amendments thereto are part of the inmate handbook which is issued to all inmates in the Department of Corrections prison system. Second, 42 U.S.C. §1997e(a) does not even require that

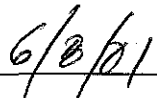
inmates be apprised of the availability of a specific remedy. It only provides that no action may be brought "until such administrative remedies as are available are exhausted." Section 1997e(a) does not in any way condition its application upon an inmate's knowledge with language such as "and of which the inmate is aware". Third, at no time did the Department's grievance system specifically exclude the potential for requesting monetary relief. Further, DC-ADM 804-4 was issued to make it clear that inmates could request such relief as is available from a court, including compensation. Accordingly, Moser's affidavit and supporting brief have no merit.

Respectfully submitted,
PA Department of Corrections,

By: _____


Shawn P. Kenny
Assistant Counsel
Attorney I.D. No. 51797
Office of Chief Counsel
55 Utley Drive
Camp Hill, PA 17011
(717) 731-0444

Dated: _____



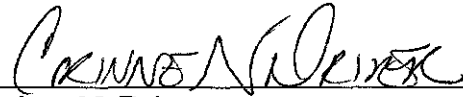
CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the below-referenced document(s) upon the person and in the manner indicated below:

Service by first class mail addressed as follows:

Jeffery P. Moser, BE-4713
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Dated: 6/11/01

Re: Corrections Defendants' Reply to Moser's Affidavit in Support of Plaintiff's Brief
in Opposition of [sic] Defendant(s) [sic] Motion to Dismiss
USDC-MD docket no. 1:00-CV-1846